

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION**

ANDRE OLIVER,

Plaintiff,

v.

PEMISCOT COUNTY JAIL, et al.,

Defendants.

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No. 1:21-CV-126 SNLJ

**MEMORANDUM AND ORDER**

This matter is before the Court upon review of the file. Plaintiff Andre Oliver commenced this 42 U.S.C. § 1983 civil action on September 3, 2021, alleging violations of his civil rights at the Pemiscot County Jail. ECF No. 1. On March 14, 2022, the Court granted Plaintiff's motion for leave to amend and directed that Plaintiff file a second amended complaint within thirty (30) days. ECF No. 8. The Court cautioned Plaintiff that his failure to timely comply with the Order would result in the dismissal of the case without further notice. Plaintiff's response was due on April 13, 2022.

To date, Plaintiff has neither responded to the Court's Order, nor sought additional time to do so. Plaintiff was given meaningful notice of what was expected, he was cautioned that his case would be dismissed if he failed to timely comply, and he was given ample time to comply. The Court will therefore dismiss this action, without prejudice, due to Plaintiff's failure to comply with the Court's March 14, 2022 Order, and his failure to prosecute his case. *See* Fed. R. Civ. P. 41(b); *see also Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962) (the authority of a court to dismiss *sua sponte* for lack of prosecution is inherent power governed "by the control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of

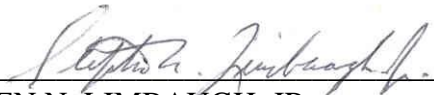
cases”); *Brown v. Frey*, 806 F.2d 801, 803 (8th Cir. 1986) (a district court has the power to dismiss an action for the plaintiff’s failure to comply with any court order).

Accordingly,

**IT IS HEREBY ORDERED** that this case is **DISMISSED** without prejudice. A separate order of dismissal will be entered herewith.

**IT IS HEREBY CERTIFIED** that an appeal from this dismissal would not be taken in good faith.

Dated this 25th day of April, 2022.

  
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STEPHEN N. LIMBAUGH, JR.  
SENIOR UNITED STATES DISTRICT JUDGE